

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 13 SEP 2004

Applicant's or agent's file reference MRE 2 PCT		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FI 2003/000219	International filing date (day/month/year) 21.03.2003	Priority date (day/month/year) 22.03.2002	
International Patent Classification (IPC) or national classification and IPC D21B 1/00, D21C 1/00 // B07C 5/14			
Applicant M-Real OYJ et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 11.09.2003	Date of completion of this report 02.06.2004
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Marianne Bratsberg/Els Telephone No. +46 8 782 25 00

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on a translation from the original language into the following language English, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- the international application as originally filed/furnished
- the description:
 - pages _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
- the claims:
 - pages _____ as originally filed/furnished
 - pages* _____ as amended (together with any statement) under Article 19
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
- the drawings:
 - pages _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to the sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to the sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-18</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	<u>1-18</u>	NO
Industrial applicability (IA)	Claims	<u>1-18</u>	YES
	Claims	_____	NO

2. Citations and explanations (Rule 70.7)

Documents cited in the report:

D1. SE 98902396-3 A

D2. US 2001/0018308 A1

The claimed invention relates to the adjustment of the fibrous properties of wood material to a preselected level and to the manufacture of pulp and fibrous products with preselected fibre dimension properties. The object of the invention is to improve the quality of wood material and to obtain a wood material with homogeneous fibre dimensions for various processes.

From D1, which is considered to be the closest prior art, it is known to classify the wood material used in the manufacture of pulp and paper. In D1 it is disclosed that the fibre dimensions of the wood material, such as fibre length, are dependent on a number of circumstances, e.g. the width of the annual rings and the age of a tree, and that the wood material can be classified on the basis on these circumstances, see page 7, line 30-page 8, line 3 and page 13, lines 1-23.

The idea of the present invention to use the number of annual rings as a variable to classify wood material is not explicitly mentioned in D1. However, since it is well-known that the age of a tree can be determined by the number of annual rings, it is considered to be obvious to a person skilled in the art, with the knowledge that the age of a tree

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

has an influence on the fibre dimensions, to classify wood material according to the number of annual rings. The method defined in claim 1 does not include any further features, which can be considered to distinguish the claimed invention from the disclosure in D1, nor do the methods in claims 17 and 18.

Document D2 discloses that wood material with a certain fibre coarseness can be sorted out on the basis of the age of the tree, see p. 2, col. 1, par. 25. The claimed invention is considered to be obvious to a person skilled in the art also in view of this document.

The features defined in the dependent claims 2-16 are considered to be obvious to a person skilled in the art in view of the known art.

Thus, the claimed invention according to claims 1-18 is not considered to involve an inventive step.